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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,252	10/20/2003	Jeffrey S. Malkin	23426-07345	3426

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EXAMINER	
MANOHARAN, MUTHUSWAMY GANAPATHY	
ART UNIT	**PAPER NUMBER**
2683	

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/690,252	MALKIN ET AL.	
	Examiner	Art Unit	
	Muthuswamy G. Manoharan	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *02/05/2004*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollstrom in view of Alden (U.S. 2004/0198436).

Regarding claim 1, Hollstrom discloses a device for inserting sound segments into a voice channel carrying a voice stream of a voice transmission communication device (item 27 in Figure 3; Paragraph [0046], line 5), comprising a mixer (item 30, Figure 3; Paragraph [0046], line 3) configured to couple with the audio channel (item 29 in Figure 3, Paragraph [0046], line 6), to receive the selected sound segment and to inject the selected sound segment into the voice channel, the voice channel contemporaneously carrying the selected sound segment and voice stream as a single output stream (Paragraph [0013], lines 1-10). Hollstrom fails to teach a trigger configured to select the sound segment for insertion into the voice channel. However, Alden teaches in an analogous art, a trigger (Paragraph [0036], line 13) configured to select the sound segment for insertion into the voice channel. Therefore, it would have been obvious to one of ordinary skill in the art to at the time of the invention to include a trigger configured to select the sound segment for insertion into the voice channel. This

inclusion of the trigger helps one to simultaneously hear and control the audio segment coming into the voice channel.

Regarding claim 2, Hollstrom discloses the device of claim 1, further comprising a sound encoder (Paragraph [0046], lines 13) configured to receive the sound segment from a source external (Paragraph [0036], lines 4-5) to the device.

Regarding claim 3, Hollstrom discloses the device of claim 2, wherein the sound segment comprises a file format comprising one form a group consisting of an MP3 file format, a WAVE file format, and an audio video interleave tile format (Paragraph [0035], lines 1-3).

Regarding claim 4, Hollstrom discloses the device of claim 1, further comprising a communications device interface (Figure 1, item 8; paragraph [0031], lines 1-3) for coupling with a communication device (Figure 3, item 27, items 30, 31, 29).

Regarding claim 5, Hollstrom discloses a method for inserting audio data within a voice channel of a voice transmission communication device, the method comprising: selecting the sound segment to be played within the voice channel, the voice channel carrying voice data; injecting the sound segment into the voice channel through mixing of the sound segment with the voice data to generate a mixed sound segment and voice data stream, and outputting the mixed sound segment and voice data stream as a single output stream into the voice channel (Paragraph [0013], lines 1-10).

Regarding claim 6, Hollstrom discloses the method of claim 5, further comprising receiving the sound segment from an external audio source (Paragraph [0036], lines 4-5).

Regarding claim 7, Hollstrom discloses the method of claim 5, further comprising saving the sound segment in an audio file format (Paragraph [0035], lines 1-3).

Regarding claim 8, Hollstrom discloses the method of claim 7, wherein the audio file format comprises one from a group consisting of an MP3 file format, a WAVE file format, and an audio video interleave file format (Paragraph [0035], lines 1-3).

Regarding claim 9, Hollstrom discloses a system for inserting audio data within a voice channel, comprising: a means for selecting the audio data to be played within the voice channel, the voice channel carrying voice data; a means for injecting the audio data into the voice channel through mixing of the audio data with the voice data to generate a mixed audio data and voice data stream; and a means for outputting the mixed audio data and voice data stream into the voice channel (Paragraph [0013], lines 1-10).

Regarding claim 10, Hollstrom discloses the system of claim 9, further comprising a means for receiving the audio data from an external audio source (Paragraph [0036], lines 4-5).

Regarding claim 11, Hollstrom discloses the system of claim 9, further comprising a means for saving the audio data in an audio file format (Paragraph [0035], lines 1-3).

Regarding claim 12, Hollstrom discloses the system of claim 11, wherein the audio file format comprises one from a group consisting of an MP3 file format, a WAVE tile format, and an audio video interleave file format (Paragraph [0035], lines 1-3).

Regarding claim 13, Hollstrom discloses a method of combining sound segments into an established voice channel, comprising: establishing a voice channel for transmission of voice communications between a first device and a second device, selecting through the first device a sound segment for insertion on the voice channel; mixing the sound segment with the voice communications to produce a mixed signal for transmission along the voice channel; and outputting the mixed signal along the voice channel for reception at the second device (Paragraph [0013], lines 1-10).

Regarding claim 14, Hollstrom discloses he method of claim 13, further comprising receiving sound segments from in an audio data format from an external source for storage (Paragraph [0036], lines 4-5).

Regarding claim 15, Hollstrom discloses the method of claim 14, further comprising storing the sound segments in a non-volatile storage device (Paragraph [0003], lines 3-6); Paragraph [0040], lines 6-9).

Regarding claim 16, Hollstrom discloses all the particulars of the claim 13 except wherein the step of selecting further comprises triggering a switch for the selection of a sound segment. However, Alden teaches in an analogous art, the step of selecting further comprises triggering a switch for the selection of a sound segment (Paragraph [0034], lines 13-16; Paragraph [0036], lines 12-15). Therefore, it would have been obvious to one of ordinary skill in the art to at the time of the invention to include a switch for the selection of a sound segment. This would enhance the control features of the communication device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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